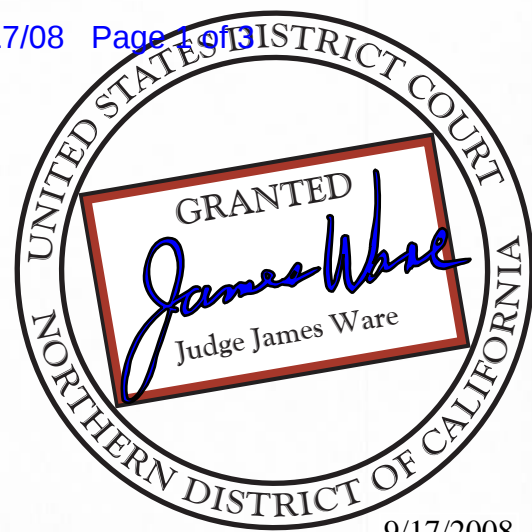


1 **Thomas P. Riley, SBN 194706**
2 **LAW OFFICES OF THOMAS P. RILEY, P.C.**
3 **First Library Square**
4 **1114 Fremont Avenue**
5 **South Pasadena, CA 91030-3227**

6 **Tel: 626-799-9797**
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8 **TPRLAW@att.net**

9 **Attorneys for Plaintiff**
10 **J & J Sports Productions, Inc.**



9/17/2008

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 **J & J Sports Productions, Inc.,**

14 **Plaintiff,**

15 **vs.**

16 **Martin E. Lemuz, et al.**

17 **Defendant.**

18 **CASE NO. CV 08-1471 JW**

19 **STIPULATION OF DISMISSAL OF**
20 **PLAINTIFF'S COMPLAINT**
21 **AGAINST DEFENDANT MARTIN E.**
22 **LEMUZ a/k/a MARTIN**
23 **LEMUZESPINO, individually and**
24 **d/b/a LA PALMA BAR a/k/a BAR LA**
25 **PALMA**

26 **IT IS HEREBY STIPULATED** by and between Plaintiff J & J SPORTS
27 PRODUCTIONS, INC. and Defendant MARTIN E. LEMUZ a/k/a MARTIN
28 LEMUZESPINO, individually and d/b/a La Palma Bar a/k/a Bar La Palma, that the
above-entitled action is hereby dismissed **without prejudice** against MARTIN E.
LEMUZ a/k/a MARTIN LEMUZESPINO, individually and d/b/a La Palma Bar a/k/a
Bar La Palma to the Court's jurisdiction to enforce the settlement agreement reached
between the Parties.

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1 **IT IS FURTHER STIPULATED** that provided no Party referenced above has
2 filed a motion to reopen this action by November 15, 2008, this Court shall *not* have
3 jurisdiction to set aside the dismissal and the dismissal shall be deemed to be **with**
4 **prejudice**.


5 This dismissal is made pursuant to Federal Rules of Civil Procedure 41(a)(1).
6 Each Party referenced-above shall bear its own attorneys' fees and costs.
7

8
9
10 Dated: August 29, 2008



LAW OFFICES OF THOMAS P. RILEY, P.C.
By: Thomas P. Riley
Attorneys for Plaintiff
J & J SPORTS PRODUCTIONS, INC.

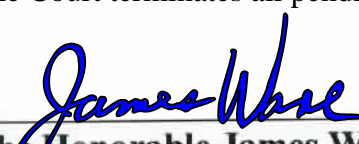
11
12
13
14
15
16 Dated: 9-8-2008



BERLINER COHEN
By: Joseph E. Dworak
Attorneys for Defendant
MARTIN E. LEMUZ
a/k/a MARTIN LEMUZESPINO,
individually and d/b/a
LA PALMA BAR a/k/a BAR LA PALMA

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23 **IT IS SO ORDERED:**

24 The Court terminates all pending deadlines, hearings and motions. The Clerk shall close this file.

25 

26 The Honorable James Ware
27 United States District Court
28 Northern District of California

Dated: September 17, 2008

PROOF OF SERVICE (SERVICE BY MAIL)

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is First Library Square, 1114 Fremont Avenue, South Pasadena, California 91030. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On August 29, 2008, I served:

**STIPULATION OF DISMISSAL OF PLAINTIFF'S COMPLAINT
AGAINST DEFENDANT MARTIN E. LEMUZ a/k/a MARTIN
LEMUZESPINO, individually and d/b/a LA PALMA BAR a/k/a BAR LA
PALMA**

On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Joseph E. Dworak, Esquire
BERLINER COHEN
Ten Almaden Blvd., 11th Floor
San Jose, CA 95113

Attorneys for Defendant

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and that this declaration was executed on August 29, 2008, at South Pasadena, California.

Dated: August 29, 2008



ANDREA CHAVEZ